

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

**SEPULVEDA MORENO et al.,
Plaintiffs,**

v.

**LASALLE CORRECTIONS V LLC,
Defendant.**

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EP-24-CV-00059-DB

ORDER DENYING MOVANT BILL HICKS' MOTION TO QUASH SUBPOENA

On this day the Court considered Non-Party Movant Bill Hicks' ("Movant") "Motion to Quash Subpoena and Motion for Protective Order," ("Motion") filed in the above referenced case on September 3, 2024, ECF No. 23. For the foregoing reasons, the Court is of the opinion that this Motion should be denied.

On August 21, 2024, Plaintiffs Napoleon Sepulveda Moreno, Luz Maria Martinez Castro, Sandra Lizette Cardenas Ramirez, and Brenda Berenice Casias Carrillo ("Plaintiffs") served their "Subpoena to Produce Documents, Information, or Objects or To Permit Inspection of a Premises in a Civil Action," ("Subpoena"), which was filed with this Court on September 11, 2024, ECF No. 31. Movant filed his Motion to Quash said subpoena in this Court on September 3, 2024, ECF No. 23. In his Motion, Movant argues that "the information sought is privileged by law because it is related to an ongoing criminal investigation." *Id.* at 2.

Plaintiffs filed their Response to Non-Party District Attorney's Motion to Quash Subpoena and Motion for Protective Order," ("Response") on September 17, 2024, ECF No. 32. Plaintiffs argued that Movant "has not met his burden to quash [the] subpoena" under Texas law. *Id.* at 4. Further, Plaintiff also argues that the Movant "has not met his burden that the requested documentation is privileged under Federal law." *Id.* at 9. Movant then filed their "Reply to

Plaintiff's Response to Movant's Motion to Quash Subpoena and Motion for Protective Order," ("Reply") on September 30, 2024, ECF No. 39. Following Movant's Reply, this Court ordered an *In Camera* inspection of the documents at issue. See Order for *In Camera* Review ("Order"), filed on October 1, 2024, ECF No. 40. The documents were delivered to this Court on October 7, 2024, and the Court has reviewed them.

After careful consideration and review of the documents and materials provided by the 34th Judicial District Attorney's Office in response to the Court's Order on October 1, 2024, the Court finds that Movant has not met his burden under either state law or federal law to show that these documents are privileged in any way. However, the Court does believe that the information contained in these documents is sensitive and will allow a protective order to enter.

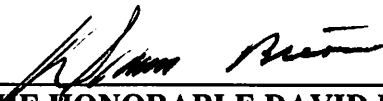
IT IS HEREBY ORDERED that Non-Party Movant Bill Hicks' "Motion to Quash Subpoena and Motion for Protective Order," ECF No. 23, is **DENIED**.

IT IS FURTHER ORDERED that the District Clerk's Office for the Western District of Texas – El Paso Division, **SHALL FILE** the paper documents and materials by Movant and in the possession of the Court **UNDER SEAL** and make them available to Plaintiffs, Movant, and any other Party or Non-Party that the Court may designate in **NO LESS THAN TWENTY (20) DAYS**.

IT IS FURTHER ORDERED that all non-paper materials such as photos on CDs, audio recordings, and video recordings, will be made available to Plaintiffs, Movant, and any other Party or Non-Party that the Court may designate in **NO LESS THAN TWENTY (20) DAYS** following a specific procedure in a forthcoming order.

IT IS FINALLY ORDERED that all documents and materials will be under a **PROTECTIVE ORDER**, and that neither Plaintiffs, Movant, any other Parties or Non-Parties, nor their attorneys are authorized to distribute or disseminate the documents or materials unless leave of court is sought.

SIGNED this 9th day of October 2024.



THE HONORABLE DAVID BRIONES
SENIOR UNITED STATES DISTRICT JUDGE